

REMARKS

Claims 1-16 have been subjected to a Unity of Invention Requirement as follows:

Group I, -- claims 1-9 and 14 directed to compounds of Formula I and compositions containing the same;

Group II, -- claim 10 directed to a process for preparing a compound of Formula I;

Group III, -- claim 11 directed to a process for preparing a compound of Formula I;

Group IV -- claim 12 directed to a compound of Formula IV or V;

Group V -- claim 13 directed to a process for preparing a compound of Formula I;

Group VI -- claim 15 directed to a seed comprising a compound of Formula I;
and

Group VII -- claim 16 directed to a method for controlling fungi by using a compound of Formula I.

In addition to the above Unity of Invention Requirement, the claims have also been subjected to a Election of Species Requirement such that Applicant must elect a single compound of Formula I.

Responsive Elections

In response to the Unity of Invention Requirement, Applicant hereby elects the subject matter of Group I, i.e. claims 1-9 and 14 directed to compounds of Formula I and compositions containing the same. This election is made with traverse based on the reasons below.

In response to the Election of Species Requirement, Applicant hereby elects Compound I-6 from Table I at page 34 of the specification. Claims 1-3, 5, 8, 9 and 14 encompass this elected species in the elected subject matter of Group I, while claims 10, 11, 13, 15 and 16 also encompass this elected species, though these claims are non-elected with regard to the Unity of Invention Requirement. This election is also made with traverse based on the reasons.

Reasons for Traversals

The above Unity of Invention Requirement is respectfully traversed, since all of Groups I-III and V-VII share the special technical feature of the compounds of Formula I. It does appear that this special technical feature establishes a contribution over the art, since the reference cited in the Office Action of June 9, 2009, i.e. Heimbach '605 (US 2,444,605), does not disclose any specific examples of 7-aminotriazolopyrimidines. If this conclusion is incorrect, it is requested that the Examiner specifically identify such a compound example in Heimbach '605. In addition, it is submitted that under applicable PCT Unity Rules at least the subject matter directed to the use of the elected product claims of Group I and the methods adapted for making the product of Group I should also be examined. Therefore, all of non-elected Groups II, III, V and VII should also be included in the examination as these Groups share unity with elected Group I. Further, there is no undue burden placed on the Examiner to additionally examine the subject matter of Group VI, since the patentability of claim 15 depends significantly upon the special technical feature of the compounds of Formula I and provides no additional significant burden on the Examiner for search and examination thereof. Finally, it is respectfully requested that the subject matter of Group IV be examined, since the claimed intermediate compounds of Formula IV and V at least share some significant core structural characteristics with the elected compounds of Formula I. Thus, it is requested that the Unity of Invention Requirement be withdrawn. It is also requested that the Examiner consider "rejoinder" between the non-elected subject matter of Groups II, III and V, and the elected subject matter of Group I.

Regarding the Election of Species Requirement, it is requested that this be withdrawn, since the limited scope of Formula I is such that there is no undue burden placed on the Examiner to examine the full scope thereof. Further, it is requested that upon identification of

allowable subject matter the Examiner continue to examine a reasonable number of species, preferable all of the remaining species within the scope of Formula I.


If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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